

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES MONROE,

Petitioner,

v.

A. HEDGPETH, Warden

Respondent.

Civil No. 08cv1812 L (JMA)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than December 17, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. *The Clerk of Court is directed to send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.*

IT IS SO ORDERED.

DATED: October 14, 2008


M. James Lorenz
United States District Court Judge

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